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APPLICATION NO. 09/134,654	FILING DATE 06/14/98	FIRST NAMED INVENTOR MILLER	D	ATTORNEY DOCKET NO.
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DEXTER EXAMINER

ART UNIT PAPER NUMBER

06/16/99

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/134,854</b>	Applicant(s) <b>Miller et al.</b>
	Examiner <b>Clark F. Dexter</b>	Group Art Unit <b>3724</b>

Responsive to communication(s) filed on Apr 20, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-78 is/are pending in the application.

Of the above, claim(s) 9-12, 24-39, 41-46, 56-60, 62-64, and 74-78 is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-8, 13-23, 40, 47-55, 61, and 65-73 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election without traverse of group I (claims 1-8, 13-23, 40, 47-55, 61 and 65-73) in the response filed April 20, 1999 (paper no. 6) is acknowledged. Claims 9-12, 24-39, 41-46, 56-60, 62-64 and 74-78 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention.

### ***Information Disclosure Statement***

2. The information disclosure statement filed November 2, 1998 has been received and the references listed thereon have been considered.

### ***Drawings***

3. The drawings are objected to because of the following informalities:

In Figures 1 and 2, the occurrence of "62" with the arrowheaded lead line appears to be inaccurate, and it seems that it should be changed to --65-- since it represents the outfeed end (opposite 63 which represents the infeed end). ←

In Figure 13, "105" appears to be inaccurate, and it seems that it should be changed to --104-- and --105-- should be added with a lead line extending to the rounded cam surface of clamp 104 to correspond to the specification (e.g., see page 22, line 6); also, it seems that "104"

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along with its lead line should be deleted for clarity; further, it seems that --68-- with a lead line extending to the inner region at the infeed end 63 of body 62 should be added for clarity.

In Figure 15, numerals --72-- and --73-- should be added for clarity; further, the lead line for each of numerals 83 and 84 should end in an arrowhead since these numerals generally represent a height adjustment mechanism.

Further, numeral 40 (described on page 12, line 22), numeral 66 (described on page 15, line 17), numerals 77 and 78 (described on page 16, line 11), and numerals 87 and 89 (described on page 18, line 7) are not shown.

Appropriate correction is required.

### *Specification*

4. The disclosure is objected to because of the following informalities:

On page 9, line 12, "powdered" is incorrect.

On page 11, line 13, "24" appears to be incorrect, and it seems that it should be changed to --26--.

On page 12, line 9, "37" appears to be incorrect, and it seems that it should read --32--.

On page 15, line 6, "adopted" appears to be inaccurate, and it seems that it should read --adapted-- of the like.

On page 17, line 15, "72 and 73" appears to be inaccurate, and it seems that it should read --85 and 86--.

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On page 18, line 11, the phrase "the contact pressure between slide rail 80 and trough 43" appears to be inaccurate, and it seems that it should read --the contact pressure within the trough 43 between slide rail 80 and infeed rail 42--.

On page 19, line 12, "95 and 96" appears to be inaccurate and it seems that it should be changed to --85 and 86--.

On page 21, line 14, "Lever" is improper and should read --lever--; in line 16, "96" appears to be inaccurate and it seems that it should read --97--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. Claims 1-8, 13-23, 40, 47-55, 61 and 65-73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, the phrase "having" is vague and indefinite as to what it refers (e.g., the workpiece guide or the cutting device).

In claim 2, line 3, it seems that a comma --,-- should be inserted after "walls" for clarity; in line 4, "an infeed platform adjacent to each of said two side walls" is vague and indefinite as to the number of infeed platforms.

In claim 3, line 2, "at least one support" is vague and indefinite as to what disclosed structure it refers.

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In claim 4, line 2, "an elongated member" is vague and indefinite as to what disclosed structure it refers; in line 3, "adapted to contact" is vague and indefinite as to how the surface is "adapted".

In claim 6, line 3, "adapted to exert" is vague and indefinite as to how the threaded member is "adapted".

In claim 7, line 2, "adapted to slidably engage" is vague and indefinite as to how the base portion is "adapted".  
*line 6*

In claim 15, "comprising" is vague as to what it refers.

In claim 16, lines 1-2, "has an infeed end and an outfeed end and" is vague and indefinite and appears to be redundant, and it seems that it simply should be deleted.

In claim 18, lines 1-2, "at least one support" is vague and indefinite as to what disclosed structure it refers; in line 2, "adapted to slidably support" is vague and indefinite as to how the at least one support is "adapted".

In claim 19, lines 1-2, "an elongated member" is vague and indefinite as to what disclosed structure it refers.

In claim 21, line 2, it seems that --of-- should be inserted after "each" for clarity; in line 4, "adapted to exert" is vague and indefinite as to how the threaded member is "adapted".

In claim 22, line 2, "adapted to slidably engage" is vague and indefinite as to how the base portion is "adapted".

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In claim 40, line 4, "adapted to cut" is vague and indefinite as to how the cutting member is "adapted"; in line 5, "positioned" is vague and indefinite as to what it refers.

In claim 47, line 2, "comprising" is vague and indefinite as to what it refers; in line 6, "comprising" is vague and indefinite as to what it refers; in line 8, the semi-colon ";" is an improper ending for the claim, and it seems that it should be changed to a period ---, and --and-- should be inserted after the semi-colon ";" in line 5.

In claim 48, lines 1-2, "has an infeed end and an outfeed end and" is vague and indefinite and appears to be redundant, and it seems that it simply should be deleted.

In claim 50, line 2, "at least one support" is vague and indefinite as to what disclosed structure it refers; also in line 2, "adapted to slidably support" is vague and indefinite as to how the at least one support is "adapted".

In claim 51, line 2, "an elongated member" is vague and indefinite as to what disclosed structure it refers.

In claim 52, line 1, it seems that --of-- should be inserted after "each" for clarity.

In claim 53, line 2, it seems that --of-- should be inserted after "each" for clarity; in line 4, "adapted to exert" is vague and indefinite as to how the threaded member is "adapted".

In claim 54, line 2, "adapted to slidably engage" is vague and indefinite as to how the base portion is "adapted".

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In claim 61, line 1, "having" is vague and indefinite as to what it refers; in line 2, it seems that --further-- should be inserted before comprising if "having" in line 1 is intended to refer to the saw since additional structure is being defined for the saw.

In claim 65, line 2, "comprising" is vague and indefinite as to what it refers.

In claim 66, lines 1-2, "has an infeed end and an outfeed end and" is vague and indefinite and appears to be redundant, and it seems that it simply should be deleted.

In claim 68, line 2, "at least one support" is vague and indefinite as to what disclosed structure it refers; also in line 2, "adapted to slidably support" is vague and indefinite as to how the at least one support is "adapted".

In claim 69, line 2, "an elongated member" is vague and indefinite as to what disclosed structure it refers.

In claim 70, line 1, it seems that --of-- should be inserted after "each" for clarity.

In claim 71, line 2, it seems that --of-- should be inserted after "each" for clarity; in line 4, "adapted to exert" is vague and indefinite as to how the threaded member is "adapted".

In claim 72, line 2, "adapted to slidably engage" is vague and indefinite as to how the base portion is "adapted".

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

Communications via Internet e-mail regarding this application, other than those under 35 USC 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [rinaldi.rada@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 USC 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.



**Clark F. Dexter  
Primary Examiner  
Art Unit 3724**

cfd  
June 14, 1999